



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

April 20, 2010

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

#39 APRIL 20, 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: ADOPT AND ADVERTISE
SAN GABRIEL RIVER BICYCLE TRAIL REALIGNMENT – PHASE 2
PROJECT I.D. NO. RDC0015117, C.P. NO. 87028
ESTABLISH CAPITAL PROJECTS; APPROVE PROJECT BUDGETS; AND
APPROVE APPROPRIATION ADJUSTMENT
SAN GABRIEL RIVER BICYCLE TRAIL REALIGNMENT – PHASE 3
PROJECT I.D. NO. RDC0015364, C.P. NO. 87082;
SAN GABRIEL RIVER BICYCLE TRAIL REALIGNMENT – PHASE 4
PROJECT I.D. NO. RDC0015060, C.P. NO. 87083
CITIES OF CERRITOS AND LAKEWOOD
(FOURTH DISTRICT) (3 VOTES)**

SUBJECT

Approval of the recommended actions will adopt plans and specifications and allow advertisement for construction bids for the San Gabriel River Bicycle Trail Realignment Phase 2 Project, Capital Project No. 87028, and approve an agreement with the City of Lakewood to access and relocate existing San Gabriel River Bicycle Trail improvements within the Cities of Cerritos and Lakewood; and establish and approve project budgets for San Gabriel River Bicycle Trail Realignment Phases 3 and 4 Projects, Capital Project Nos. 87082 and 87083.

"To Enrich Lives Through Effective And Caring Service"

*Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only*

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the proposed Phases 3 and 4 projects are categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Sections 15301(c) and 15302(b) of the CEQA Guidelines and Class 1(f), Class 1(x) 2, and Class 2(a) of the Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987.
2. Adopt the plans and specifications for the San Gabriel River Bicycle Trail Realignment – Phase 2 (Capital Project No. 87028) from 160 feet north of Del Amo Boulevard to 300 feet south of Del Amo Boulevard within the Cities of Cerritos and Lakewood at an estimated construction contract cost of \$336,000.
3. Instruct the Executive Officer of your Board to advertise the San Gabriel Bicycle Trail Realignment – Phase 2 project, and seal and return the plans and specifications to the Department of Public Works for filing.
4. Call for construction contract bids to be received on May 18, 2010 for San Gabriel Bicycle Trail Realignment – Phase 2.
5. Approve and instruct the Chair to sign the agreement between the County of Los Angeles, the Los Angeles County Flood Control District, and the City of Lakewood to access and relocate existing bicycle trail improvements and provide an alternate access to the San Gabriel River for the San Gabriel Bicycle Trail Realignment – Phase 2.
6. Establish Capital Project No. 87082 and approve the total project budget of \$1,080,000 for the San Gabriel River Bicycle Trail Realignment – Phase 3 from Del Amo Boulevard to Carson Street within the City of Lakewood.
7. Establish Capital Project No. 87083 and approve the total project budget of \$1,350,000 for the San Gabriel River Bicycle Trail Realignment – Phase 4 from 100 feet north of 183rd Street to 25 feet south of 183rd Street within the City of Cerritos.
8. Approve the appropriation adjustment to transfer \$1,080,000 from Capital Project No. 77136 (San Gabriel River Bicycle Trail Between Del Amo Boulevard and Carson Boulevard Refurbishment) to Capital Project No. 87082 (San Gabriel River Bicycle Trail Realignment – Phase 3), and \$1,350,000 from Capital Project No. 77137 (San Gabriel River Bicycle Trail 183rd Street Tunnel Refurbishment) to Capital Project No. 87083 (San Gabriel River Bicycle Trail Realignment – Phase 4).

9. Approve and authorize the Director or Public Works or her designee to deliver the projects.

IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

1. Approve and instruct the Chair to sign the agreement between the County of Los Angeles, the Los Angeles County Flood Control District, and the City of Lakewood to access and relocate existing bicycle trail improvements and provide an alternate access to the San Gabriel River for the San Gabriel River Bicycle Trail Realignment – Phase 2 (Capital Project No. 87028).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will find the projects exempt from the California Environment Quality Act (CEQA); establish and approve the project budgets for Capital Project (C.P.) Nos. 87082 and 87083; adopt plans and specifications and allow Department of Public Works (Public Works) to proceed with the solicitation of construction bids for the San Gabriel River Bicycle Trail Realignment – Phase 2 (C.P. No. 87028); authorize the County of Los Angeles (County) and the Los Angeles County Flood Control District (LACFCD) to enter into an agreement with the City of Lakewood (City) to realign the bike trail onto City property and provide alternate access to the San Gabriel River; and approve and authorize the Director of Public Works or her designee to deliver the projects.

There are four bike trail improvements projects within a five mile segment on the San Gabriel River Bicycle Trail, between 183rd Street and Carson Street in the Fourth Supervisorial District. The projects include realignment and reconstructing deteriorated segments of the existing San Gabriel River Bicycle Trail to enhance public safety. The projects will be delivered in phases according to the order of emergent needs. Phase I project has been completed. The scopes of work of each project phase are as follows:

San Gabriel River Bicycle Trail Realignment – Phase 1, C.P. No. 87003

Phase I was completed on February 12, 2009. The project scope consisted of the realignment and reconstruction of an approximately 350 linear feet of the 12 foot wide existing bike trail, from 350 feet north of Del Amo Boulevard to Del Amo Boulevard within City of Cerritos; removal and reconstruction of the northwest wingwall adjoining the tunnel; relocation of the existing access gates and power poles; armoring of the west side slope with concrete gunite; and installation of trail signage, yellow centerline striping, and pavement markings.

San Gabriel River Bicycle Trail Realignment – Phase 2, C.P. No. 87028

The project scope consists of the realignment and reconstruction of an approximately 460 linear feet of the 12 foot wide existing bike trail, from 160 feet north of Del Amo Boulevard to 300 feet south of Del Amo Boulevard; relocation of the existing reclamation waterline and street lights; and installation of trail signage, yellow centerline striping, and pavement markings. The proposed project is within the Cities of Cerritos and Lakewood.

Within the City of Cerritos, a realigned bike path access ramp will be constructed from the existing bike trail to the intersection of Del Amo Boulevard and Studebaker Road. The City of Cerritos confirmed that an agreement between the County and City is not necessary for this project and that an encroachment permit issued to a qualified construction contractor will be sufficient for this project.

The tunnel at Del Amo Boulevard is shared by equestrians, bicyclists, and the LACFCD. Realignment of the path will remove the sharp turns and improve the sight distance, thereby improving the level of safety for trail users. The proposed trail improvements will encroach on property owned by the City. The attached agreement has been signed by the City to realign the bike trail.

The construction of the project will be administered by Public Works. The design of this project was completed by Public Works at a cost of \$154,000. The realignment and reconstruction of the existing bike trail will be completed by a qualified construction contractor. The construction contract will be awarded to the Lowest Responsive and Responsible Bidder through a competitive bid process as described herein (see Contracting Process).

Following review of construction bids, Public Works will return to your Board to recommend award of the construction contract.

San Gabriel River Bicycle Trail Realignment – Phase 3, C.P. No. 87082

The proposed project consists of reconstruction of an approximately one mile segment of the existing bike trail and widening the existing bike trail from 10 feet to 12 feet wide from Del Amo Boulevard to Carson Street within the City of Lakewood.

The design and construction of San Gabriel River Bicycle Trail Realignment – Phase 3 (C.P. No. 87082) will be administered by Public Works. The construction services will be completed by a qualified construction contractor to be retained through a competitive bid process.

Upon completion of the design, we will return to your Board to recommend adoption of the project plans and specifications, and advertise for construction bids for this project.

San Gabriel River Bicycle Trail Realignment – Phase 4, C.P. No. 87083

The proposed project consists of realignment and reconstruction of the tunnel, approximately 125 linear feet of the 12 foot wide existing bike trail, from 100 feet north of 183rd Street to 25 feet south of 183rd Street within the City of Cerritos. A new access ramp will be constructed on the north side of 183rd Street, which will follow the alignment of the current tunnel approach. The tunnel at 183rd Street is shared by equestrians and bicyclists. Realignment of the path will remove the sharp turns and increase visibility, thereby improving the level of safety for trail users.

The design and construction of San Gabriel River Bicycle Trail Realignment – Phase 4 (C.P. No. 87083) will be administered by Public Works. The construction services will be completed by a qualified construction contractor to be retained through a competitive bid process.

Upon completion of the design, we will return to your Board to recommend adoption of the project plans and specifications, and advertise for construction bids for this project.

Green Building/Sustainable Design

The proposed projects will support the intent of your Board's Green Building/Sustainable Design (GB/SD) Policy to the extent feasible, by attempting to reduce, reuse, and/or recycle the construction and demolition debris. The recycling of demolition debris supports the GB/SD policy by reducing the amount of demolition materials that would otherwise be disposed in landfills, reducing the consumption of natural resources, and also reducing the production of synthetic materials, which, in turn, reduces carbon emissions.

Implementation of Strategic Plan Goals

The recommended actions meet the County's Strategic Plan Goals of Community and Municipal Services (Goal 3). The recommended actions will provide an improved infrastructure to better serve the public and will enhance the quality of life for bicyclists and pedestrians in the affected communities.

FISCAL IMPACT/FINANCING

San Gabriel River Bicycle Trail Realignment – Phase 2, C.P. No. 87028

The total project cost estimate is \$590,000, including \$336,000 for a construction contract, \$34,000 for change order contingency, \$154,000 for completed design services, and \$66,000 for County Services, which includes contract administration, project management, and quality control inspection.

Current funding identified for the proposed project consists of \$325,000 of Fourth District Capital Improvement net County cost and \$125,000 from the Article 3 Bikeway Fund. Based on the engineering estimate, this project has a potential budget shortfall. In the event that the lowest responsive and responsible bid exceeds the project's current construction budget, when Public Works returns to your Board to recommend award of the construction contract, we will also request that your Board authorize the Auditor-Controller to process an appropriation adjustment transferring funds from Fourth District's Various Capital Improvements Capital Project, C.P. No. 77046 to supplement the potential budget shortfall.

The Fiscal Year 2009-10 Proposed Capital Projects/Refurbishments Budget includes sufficient appropriation to fund the project costs, including the potential shortfall at the award of the contract.

San Gabriel River Bicycle Trail Realignment – Phase 3, C.P. No. 87082

The total project cost estimate is \$1,080,000, including \$750,000 for a construction contract, \$75,000 for change order contingency, \$115,000 for plans and specifications, and \$140,000 for County Services, which includes contract administration, project management, and quality control inspection.

San Gabriel River Bicycle Trail Realignment – Phase 4, C.P. No. 87083

The total project cost estimate is \$1,350,000, including \$930,000 for a construction contract, \$93,000 for change order contingency, \$140,000 for plans and specifications, and \$187,000 for County Services, which includes contract administration, project management, and quality control inspection.

Approval of the attached appropriation adjustment will authorize the transfer of \$1,080,000 from San Gabriel River Bicycle Trail Between Del Amo Boulevard and Carson Street Refurbishment Project (C.P. No. 77136) to San Gabriel River Bicycle Trail Realignment – Phase 3 (C.P. No. 87082), and \$1,350,000 from San Gabriel River Bicycle Trail 183rd Street Tunnel Refurbishment Project (C.P. No. 77137) to San Gabriel River Bicycle Trail Realignment – Phase 4 (C.P. No. 87083) to fully fund the Phase 3 and 4 projects.

These projects are funded by Fourth District Capital Project net County cost.

The Project Schedules and Budget Summaries for the projects are included in Attachment A.

Operating Budget Impact

Public Works does not anticipate an increase in ongoing annual operating costs to maintain the bicycle trail improvements. Funding for ongoing trail maintenance is already included in the annual Article 3 Bikeway Fund Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to your Board's adopted Civic Art Policy, these projects are exempt from contributing a Civic Art fee because the project's scope of work consists of street/bikeway improvements.

On August 12, 2008, your Board approved C.P. No. 87028's scope of work and total project budget. This project is to be completed by the contractor in 30 working days. It is estimated the construction will start in September 2010 and will be completed in October 2010.

The construction contract will be in the form previously reviewed and approved by County Counsel.

The project specifications contain provisions requiring the contractor to comply with terms and conditions supporting your Board's ordinances, policies, and programs, including but not limited to: County's Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015);

Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the Los Angeles County's Defaulted Property Tax Reduction Program, Los Angeles County Code, Chapter 2.206; and the standard Board-directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to the lowest responsive and responsible contractor, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure that the contract is awarded to the lowest responsible bidder with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the contractor will be considered before making a recommendation to award.

The plans and specifications include the contractual provisions and material requirements necessary for this project and are on file with Public Works.

The agreement between the County, LACFCD and the City is in accordance with Section 2, Paragraph 2 of the Los Angeles County Flood Control Act, which authorizes LACFCD "to provide, by agreement with other public agencies...for the recreational use of the facilities, and works of the LACFCD, which shall not interfere or be inconsistent with the primary use and purposes of such lands, facilities, and works of such district."

The attached agreement has been reviewed and approved as to form by County Counsel and by the City.

ENVIRONMENTAL DOCUMENTATION

The realignment, reconstruction, and minor widening (2 feet) of the existing bike trails provided for under the Phases 3 and 4 projects are categorically exempt from the provisions of the CEQA, pursuant to Sections 15301(c) and 15302(b) of the CEQA Guidelines and Class 1(f), Class 1(x) 2, and Class 2(a) of the Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987. These exemptions provide for the minor alterations of existing bicycle trails, resurfacing of

roadway pavement, and the reconstruction of existing structures, involving negligible or no expansion of an existing use.

On August 12, 2008, Agenda No. 39, your Board found the Phase 2 project categorically exempt from the provisions of the CEQA pursuant to Sections 15301(c) and 15302(b) and Class 1(f), Class 1(x) 2, and Class 2(a) of the Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987.

CONTRACTING PROCESS

This project will be contracted on an open competitive basis. The contract will be awarded to the Lowest Responsive and Responsible Bidder meeting the criteria established by your Board.

To increase contractor awareness of our program to contract work out to the private sector, this project will be listed on the County website for upcoming bids.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The recommended actions will provide an improved bike trail to better serve the public and will enhance the quality of life for bicyclists and pedestrians in the affected communities. It will also enhance access to the river for operation and maintenance by the LACFCD. The bicycle trail will be closed during construction and a detour will be implemented in order to accommodate bicyclists.

The Honorable Board of Supervisors
April 20, 2010
Page 10

CONCLUSION

Please return one adopted copy of this Board letter to the Chief Executive Office, Capital Projects Division; one each to Public Works, Programs Development Division, and Construction Division; two original, executed agreements to Public Works, Survey/Mapping and Property Management Division; and return the sealed plans and specifications to Public Works for filing.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:GF:SK
DJT:CV:zu

Attachments

c: Executive Office, Board of Supervisors
County Counsel
Auditor-Controller
Arts Commission
Department of Public Works

ATTACHMENT A

**DEPARTMENT OF PUBLIC WORKS: ADOPT AND ADVERTISE
SAN GABRIEL RIVER BICYCLE TRAIL REALIGNMENT – PHASE 2
PROJECT I.D. NO. RDC0015117, C.P. NO. 87028
ESTABLISH CAPITAL PROJECTS; APPROVE PROJECT BUDGETS; APPROVE
APPROPRIATION ADJUSTMENT
SAN GABRIEL RIVER BICYCLE TRAIL REALIGNMENT – PHASE 3
PROJECT I.D. NO. RDC0015360, C.P. NO. 87082;
SAN GABRIEL RIVER BICYCLE TRAIL REALIGNMENT – PHASE 4
PROJECT I.D. NO. RDC0015064, C.P. NO. 87083
CITIES OF CERRITOS AND LAKEWOOD
(FOURTH DISTRICT) (3 VOTES)**

I. PROJECT SCHEDULE

Project Activity	Tentative Scheduled Completion Date C.P. No. 87028	Tentative Scheduled Completion Date C.P. No. 87082	Tentative Scheduled Completion Date C.P. No. 87083
Project Needs Assessment	N/A	N/A	N/A
Project Feasibility	N/A	N/A	N/A
Project Program Validation	N/A	N/A	N/A
Design	08/31/09*	Spring 2011	Fall 2011
Contract Award	03/30/10	Summer 2011	Winter 2011
Construction Field Acceptance Final Acceptance	10/19/10 12/07/10	Fall 2011	Summer 2012

*Actual Completion date.

PROJECT FUNDING CHART

	C.P. No. 87028			C.P. No. 87082	C.P. No. 87083
	Proposed Total Project Budget	4th District NCC	Article 3 Fund	Proposed Total Project Budget	Proposed Total Project Budget
Land Acquisition	N/A	N/A	N/A	N/A	N/A
Construction					
(a) Construction	\$336,000	\$336,000	N/A	\$750,000	\$930,000
(b) Change Orders	\$34,000	\$34,000	N/A	\$75,000	\$93,000
Equipment	N/A	N/A	N/A	N/A	N/A
Plans and Specifications	\$154,000	\$29,000	\$125,000	\$115,000	\$140,000
Consultant Services	N/A	N/A	N/A	N/A	N/A
Miscellaneous Expenditures	N/A	N/A	N/A	N/A	N/A
Jurisdictional Review and Plan Check	N/A	N/A	N/A	N/A	N/A
County Services	\$66,000	\$66,000	N/A	\$140,000	\$187,000
TOTAL	\$590,000	\$465,000	\$125,000	\$1,080,000	\$1,350,000

II. PROJECT BUDGET SUMMARY

Project Activity	Proposed Budget C.P. No. 87028	Proposed Budget C.P. No. 87082	Proposed Budget C.P. No. 87083
Land Acquisition	\$0	\$0	\$0
Construction			
Low Bid Construction Contract	\$336,000	\$750,000	\$930,000
Job Order Contract	0	0	0
Change Orders	34,000	75,000	93,000
Construction Consultants	0	0	0
Misc. Expense	0	0	0
Civic Arts	0	0	0
Subtotal	\$370,000	\$825,000	\$1,023,000
Programming/Development	\$0	\$0	\$0
Plans and Specifications	\$154,000	\$115,000	\$140,000
Consultant Services			
Site Planning	\$0	\$0	\$0
Hazardous Materials	0	0	0
Geotech/Soils Report and Soils Testing	0	0	0
Construction Management	0	0	0
Construction Administration	0	0	0
Environmental	0	0	0
Other:	0	0	0
Subtotal	\$0	\$0	\$0
Miscellaneous Expenditures	\$0	\$0	\$0
Jurisdictional Review/Plan Check/Permit	\$0	\$0	\$0
County Services			
Code Compliance Inspection	\$0	\$0	\$0
Quality Control Inspection	40,000	90,000	120,000
Design Review	0	0	0
Design Services	3,000	5,000	12,000
Contract Administration	9,000	20,000	25,000
Project Management	4,000	10,000	10,000
Project Management Support Services	0	5,000	5,000
DPW Job Order Contract Management	0	0	0
Project Security	0	0	0
Project Technical Support	0	0	0
Office of Affirmative Action	0	0	0
County Counsel	0	0	0
Other:	10,000	10,000	15,000
Subtotal	\$66,000	\$140,000	\$187,000
TOTAL	\$590,000	\$1,080,000	\$1,350,000

COUNTY OF LOS ANGELES

REQUEST FOR APPROPRIATION ADJUSTMENT

DEPARTMENT OF CHIEF EXECUTIVE OFFICE

DEPT'S.
NO. 060

January 6, 2010

AUDITOR-CONTROLLER:

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. PLEASE CONFIRM THE ACCOUNTING ENTRIES AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF EXECUTIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

FY 09-10

3 - VOTES

SOURCESUSES

See attachment

See attachment

SOURCES TOTAL: \$ 2,430,000

USES TOTAL: \$ 2,430,000

JUSTIFICATION

This appropriation adjustment is necessary to increase the appropriation to provide sufficient funds in the appropriate Capital Project series number.

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

David Jan Takata
AUTHORIZED SIGNATURE - David Jan Takata, Senior Manager, CEO

BOARD OF SUPERVISOR'S APPROVAL (AS REQUESTED/REVISED)

89th

APR 20 2010

Sachi A. Ham
SACHI A. HAM
EXECUTIVE OFFICER

REFERRED TO THE CHIEF
EXECUTIVE OFFICER FOR ---☐ ACTION☒ RECOMMENDATION

AUDITOR-CONTROLLER

BY

Karen Fukuma

B.A. NO.

172

Mar 30 2010

☐ APPROVED AS REQUESTED☐ APPROVED AS REVISED

CHIEF EXECUTIVE OFFICER

BY

Jan Takata
April 6 2010

SEND 6 COPIES TO THE AUDITOR-CONTROLLER

ATTACHMENT B

APPROPRIATION ADJUSTMENT

**DEPARTMENT OF PUBLIC WORKS:
ESTABLISH CAPITAL PROJECTS; APPROVE PROJECT BUDGETS; APPROVE
APPROPRIATION ADJUSTMENT**

SAN GABRIEL RIVER BICYCLE TRAIL REALIGNMENT – PHASE 3

PROJECT I.D. NO. RDC0015360, C.P. NO. 87082;

SAN GABRIEL RIVER BICYCLE TRAIL REALIGNMENT – PHASE 4

PROJECT I.D. NO. RDC0015064, C.P. NO. 87083

CITIES OF CERRITOS AND LAKEWOOD

(FOURTH DISTRICT) (3 VOTES)

FY 2009-10

FINANCIAL SOURCES:

Public Ways and Facilities
Capital Projects/Refurbishments
Rfurb. SGRBP
Between Del Amo Blvd. & Carson Blvd.
A01-CP-6014-65050 -77136
Fixed Assets-Building & Improvements
Decrease Appropriation 1,080,000

Public Ways and Facilities
Capital Projects/Refurbishments
Rfurb. SGRBP
183rd Street Tunnel
A01-CP-6014- 65050-77137
Fixed Assets-Building & Improvements
Decrease Appropriation 1,350,000

TOTAL: 2,430,000

FINANCIAL USES:

Public Ways and Facilities
Capital Projects/Refurbishments
San Gabriel River Bicycle Trail
Realignment – Phase 3
A01-CP-6014-65050 -87082
Fixed Assets-Building & Improvements
Increase Appropriation 1,080,000

Public Ways and Facilities
Capital Projects/Refurbishments
San Gabriel River Bicycle Trail
Realignment - Phase 4
A01-CP-6014- 65050-87083
Fixed Assets-Building & Improvements
Increase Appropriation 1,350,000

TOTAL: 2,430,000

Justification: Adjustment is necessary to increase the appropriation to provide sufficient funds in the appropriate Capital Project series number.

PA#172 Karen Jukema Mar 30, 2010
#59 OF APR 20 2010

Agreement # 77270
San Gabriel River Bicycle Trail
Del Amo Boulevard Tunnel Realignment (Phase II)
Affects San Gabriel River - Parcel 24.1

AGREEMENT

This agreement entered into on this 20th day of April, 200¹⁰~~9~~, by and between

County of Los Angeles,
a body corporate and politic,
hereinafter referred to as COUNTY

and

Los Angeles County Flood Control District,
a body corporate and politic,
hereinafter referred to as DISTRICT

and

City of Lakewood,
a municipal corporation in
the State of California,
hereinafter referred to as CITY

WHEREAS, the CITY owns the fee title for Assessor's Parcel No. 7060-001-909, hereinafter referred to as CITY Parcel. The CITY Parcel is located on the east side of the San Gabriel River right of way on the southwest corner of Del Amo Boulevard and Studebaker Road in the City of Lakewood, State of California; and

WHEREAS, the COUNTY desires to modify an existing bicycle trail by moving it onto a portion of CITY Parcel as shown on Exhibit A, attached hereto and made a part hereof, for the purpose of creating a safer transition from the north side of Del Amo Boulevard to the south side by increasing the sight distance into the Bicycle/Equestrian Trail tunnel underneath the roadway, hereinafter referred to as Project; and

WHEREAS, DISTRICT desires to also use CITY Parcel as alternate access to San Gabriel River.

NOW THEREFORE, in consideration of the promises and faithful performance by COUNTY, DISTRICT, and CITY of mutual covenants herein contained, the COUNTY, DISTRICT, and CITY hereto mutually agree as follows:

SECTION I

COUNTY AGREES:

1. To bear all costs to prepare plans and specifications and construct the Project, secure the CITY Parcel, provide insurance and other costs of any nature whatsoever which are necessary to complete construction of said Project and use of CITY Parcel.
2. To obtain approval of the plans and specifications for construction of the Project, in the form of a permit from the CITY, prior to any construction. COUNTY shall also secure CITY's prior approval as set forth herein and revise the permit for any changes made to the approved plans and specifications.
3. To relocate waterlines (if necessary), relocate irrigation lines as needed, restore vegetation after grading, and install vinyl fence.
4. To provide CITY with As-Built plans.
5. To keep, inspect, and maintain the CITY Parcel in a safe, clean, and orderly condition at all times during the term of this Agreement and not permit rubbish, tin cans, bottles, garbage, etc., to accumulate at any time.
6. In accordance with Government Code Section 895.4, COUNTY, DISTRICT, and CITY agree to apportion responsibility and indemnification notwithstanding any other provision of law as follows:

COUNTY agrees to indemnify, defend, and hold harmless CITY and DISTRICT, its governing board, officers, employees, engineers, contractors, or agents against any claims of any nature whatsoever, arising from or in connection with the construction, reconstruction, maintenance, operation, or removal of any improvements constructed or maintained by COUNTY on, above, or under the CITY Parcel in or arising from any and all uses of the CITY Parcel by COUNTY.

DISTRICT agrees to indemnify, defend, and hold harmless CITY and COUNTY, its governing board, officers, employees, engineers, contractors, or agents against any claims of any nature whatsoever, arising from or in connection with the construction, reconstruction, maintenance, operation, or removal of any improvements constructed or maintained by DISTRICT on, above, or under the CITY Parcel in or arising from any and all uses of the CITY Parcel by DISTRICT.

CITY agrees to indemnify, defend, and hold harmless COUNTY and DISTRICT, its governing board, officers, employees, engineers, contractors, or agents against any claims of any nature whatsoever, arising from or in connection with the construction, reconstruction, maintenance, operation, or removal of any improvements constructed or maintained by CITY on, above, or under the CITY Parcel in or arising from any and all uses of the CITY Parcel by CITY.

CITY shall not be liable for any loss occurring due to the operation of the CITY Parcel; injury, loss, death to any person whomsoever; any damage or destruction to the CITY Parcel, at any time, occasioned by or arising out of, indirectly, solely, or contributorily by: (a) any act, activity or omission of COUNTY or DISTRICT or anyone holding under COUNTY or DISTRICT; (b) the occupancy or use of the CITY Parcel or any part thereof, by or under COUNTY or DISTRICT; and/or (c) any state or condition of the CITY Parcel or any part thereof.

All parties agree to include the other parties within the protection of any indemnification clause contained in any contract relating to the CITY Parcel.

7. Without limiting COUNTY's or DISTRICT's indemnification of the CITY, parties acknowledge that the COUNTY and DISTRICT are self-insured.

The COUNTY and DISTRICT shall provide evidence of self-insurance within (10) days from receipt of a written request from CITY. COUNTY and DISTRICT agree to insure CITY as follows:

Comprehensive General Liability Insurance coverage will be provided in the amount of ONE MILLION DOLLARS (\$1,000,000) per occurrence.

Automobile Liability Insurance coverage will be provided in the amount of ONE MILLION DOLLARS (\$1,000,000) per accident.

Worker's compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure, and provide legal defense for the CITY, COUNTY, and DISTRICT against any loss, claim, or damage arising from any injuries or occupation diseases occurring to any worker employed by or any person retained by COUNTY and DISTRICT in the course of carrying out the work or services contemplated in this Agreement.

SECTION II

CITY AGREES:

1. To allow the COUNTY to construct, operate, and maintain the Project.

2. To maintain fencing and irrigation system installed or modified by COUNTY as part of the Project.
3. To review plans and specifications for the Project and notify COUNTY of its approval.
4. To allow COUNTY and DISTRICT to use CITY Parcel for purposes stated herein, and no other.
5. To inspect the CITY Parcel for compliance with approved plans and specifications.

SECTION III

IT IS MUTUALLY UNDERSTOOD AND AGREED:

1. COUNTY, DISTRICT, and CITY shall have no financial obligation to each other under this agreement except as herein expressly provided.
2. CITY, it's Board, any authorized officer, engineer, employee, or contractor, through its agents or representatives, shall have full right and authority to enter upon CITY Parcel at any time for any reason.
3. Except for fuels, lubricants and products associated with motorized vehicles, equipment, gardening, or maintenance related substances, or all of the above, COUNTY and DISTRICT shall not cause or allow the presence, use, storage, or disposal of any hazardous substances on or about the CITY Parcel without the prior written consent of the CITY. In the event of spillage, leakage, or escape of any hazardous substance onto the CITY Parcel, COUNTY or DISTRICT shall immediately notify CITY. If CITY discovers spillage, leakage, or escape of any hazardous substance on the CITY Parcel, it should notify Mr. Marty Martinez at Imperial Flood Maintenance Yard, (562) 861-0316. If the spillage, leakage, or escape was caused by COUNTY or DISTRICT, COUNTY or DISTRICT shall promptly remove any such substance from the CITY Parcel to the CITY's satisfaction. In addition to removing any of the COUNTY's or DISTRICT's hazardous substances, COUNTY or DISTRICT shall be liable for and reimburse CITY for any and all cost and expenses that the CITY may incur or suffer. Such responsibility shall include cost of expenses as CITY may incur by reason of Federal, State, local, or other authoritative agency's laws and regulations. Notwithstanding the foregoing, COUNTY and DISTRICT shall have no responsibility regarding any spill, leak, or escape associated with any of CITY's tenants, licensees, or easement holders.
4. Use of the CITY Parcel is limited to as set forth herein.

5. Any amendment to this Agreement shall be agreed to in writing by both parties and shall be executed on behalf of the COUNTY and DISTRICT, by the Director of Public Works or its designee.

6. Any notice to be given or document to be delivered by COUNTY, DISTRICT, or CITY to the other parties shall be delivered in person to the party or by certified mail to:

For County and District

County of Los Angeles Department of Public Works
Survey/Mapping & Property Management Division
900 South Fremont Avenue, 10th Floor
Alhambra, CA 91803

For City

City of Lakewood Department of Public Works
Attention City Engineer
5050 Clark Avenue
Lakewood, CA 90712

IN WITNESS WHEREOF, the COUNTY and DISTRICT by order of its Board of Supervisors, have caused this Agreement to be subscribed by the Chairman of the Board of and Seal of the COUNTY and DISTRICT to be affixed hereto and attested by its executive Officer of the Board of Supervisors and CITY has hereunto subscribed their names, the date and year first above written.

COUNTY:

COUNTY OF LOS ANGELES
a body corporate and politic

By *Gloria Molina*
Chair, Board of Supervisors
of the County of Los Angeles

I hereby certify that pursuant to
Section 25103 of the Government Code,
delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By *David B. ...*
Deputy

ATTEST:

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By *David B. ...*
Deputy



DISTRICT:

LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT,
a body corporate and politic

By *Gloria Molina*
Chair, Board of Supervisors
of the County of Los Angeles



ADOPTED
BOARD OF SUPERVISORS

89

APR 20 2010

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

ATTEST:

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles


By *David B. ...*
Deputy

APPROVED AS TO FORM
ANDREA S. ORDIN
County Counsel


By *Kim ...*
Deputy

DR:psr:PW\AGMT SAN GAB BIKE TRAIL

CITY OF LAKEWOOD
A Municipal Corporation



Mayor

APPROVED AS TO FORM



City Attorney
City of Lakewood

ATTEST



City Clerk
City of Lakewood

ACKNOWLEDGMENT FORM

STATE OF CALIFORNIA)
) ss.
 COUNTY OF _____)

On _____, before me, _____, Notary Public,
 (insert name of the officer) (insert title of the officer)

personally appeared _____

 (insert name(s) and title(s))

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

NOTARIES: ATTACH ADDITIONAL OR OTHER FORMS, IF REQUIRED

**ACKNOWLEDGMENT FORM
 (FOR COUNTY USE ONLY)**

STATE OF CALIFORNIA)
) ss.
 COUNTY OF LOS ANGELES)

On _____, before me, DEAN C. LOGAN, Acting Registrar-Recorder/County Clerk of the County of Los Angeles, personally appeared _____

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DEAN C. LOGAN, Acting Registrar-Recorder/
 County Clerk of the County of Los Angeles

By _____ (Seal)
 Deputy County Clerk

APPROVED as to title and execution,

_____, 20_____
 DEPARTMENT OF PUBLIC WORKS
 Mapping & Property Management Division

Supervising Title Examiner

By _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the within deed or grant is hereby accepted under the authority conferred by Ordinance No. 95-0052, duly and regularly adopted by the Board of Supervisors of the County of Los Angeles on the 26th day of September 1995, and the Grantee consents to the recordation thereof by its duly authorized officer.

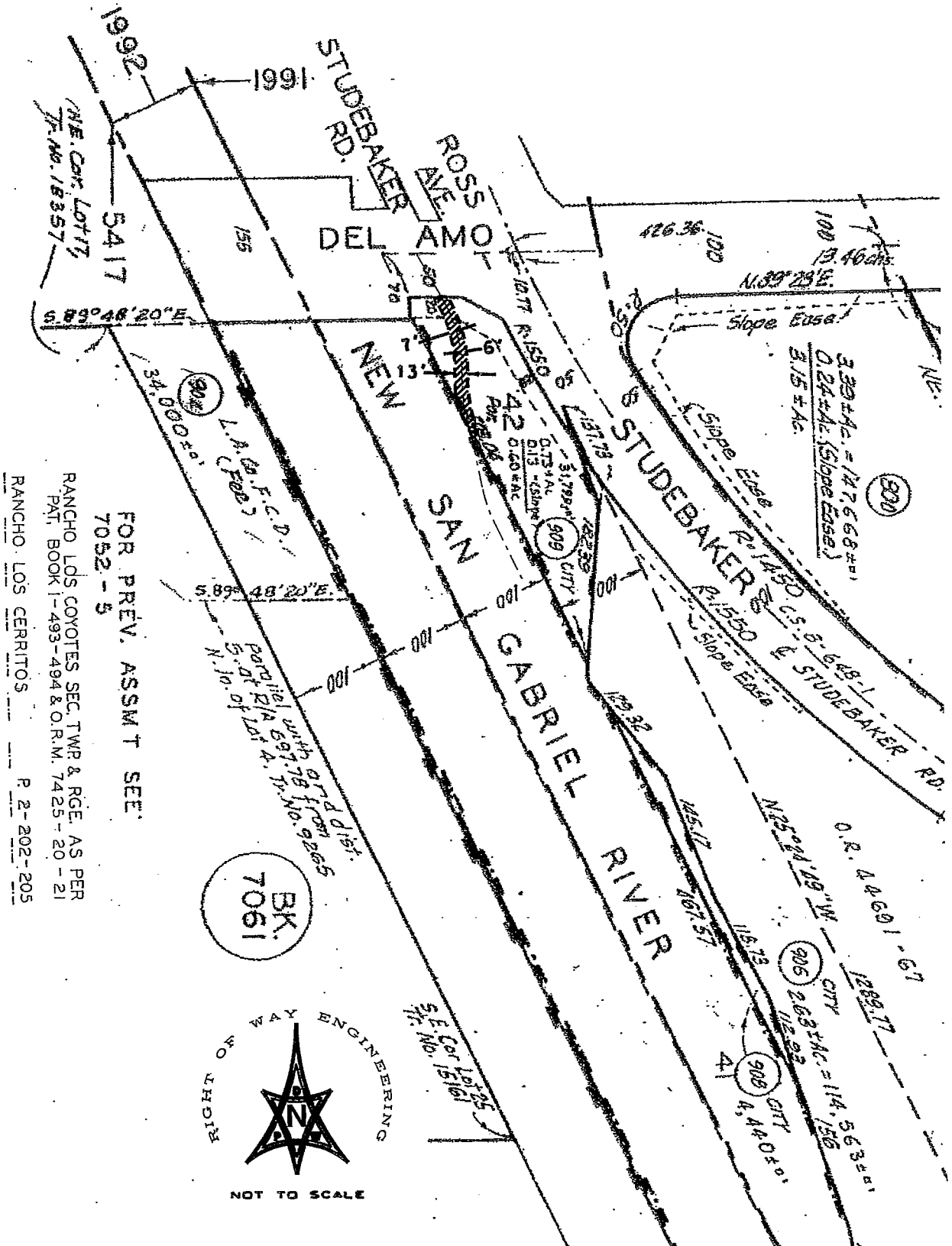
Dated _____

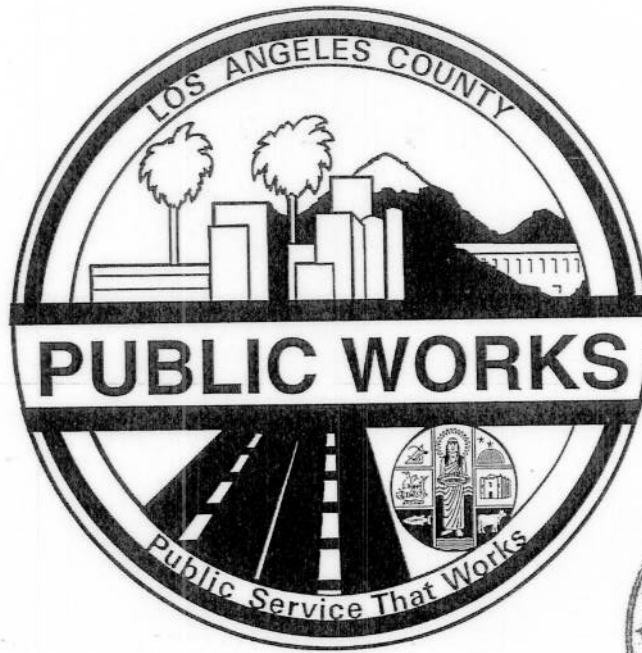
By _____
 ASSISTANT DEPUTY DIRECTOR
 Mapping & Property Management Division

EXHIBIT A

APN 7060-001-909 CITY OF LAKEWOOD (Fee)

 Operation and Maintenance of Bicycle Trail





NOTICE INVITING BIDS,
SPECIAL PROVISIONS
AND
SAMPLE AGREEMENT
FOR

FILED
BOARD OF SUPERVISORS
39 of 4-20-10
DATE

SACHI A. HAMAI
EXECUTIVE OFFICER AND
CLERK OF THE BOARD OF SUPERVISORS

By [Signature], Deputy
PROJECT ID NO. RDC 0015117

SAN GABRIEL RIVER BICYCLE TRAIL REALIGNMENT - PHASE 2

Approved, GAIL FARBER, Director of Public Works

By

[Signature]
Deputy Director

12/27/09
Date